

<b>000229 REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)					
TO: <b>CITY ATTORNEY</b>	2. FROM (ORIGINATING DEPARTMENT): <b>CITY PLANNING &amp; COMMUNITY INVESTMENT</b>	3. DATE: <b>MM 2/12/2007</b>					
4. SUBJECT: <b>Ordinance Amending Chapter 2, Article 6, Division 18 of the San Diego Municipal Code relating to the Parking Advisory Board</b>							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) <b>Melisa Tintocalis, (619) 533-5370 MS 904</b>	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) <b>Scott Kessler, (619) 533-4234 MS 904</b>	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>					
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND DEPT. ORGANIZATION OBJECT ACCOUNT JOB ORDER C.I.P. NUMBER AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST: This action has no fiscal impact to the City.						
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	SCOTT KESSLER	4-20-07	8	DEPUTY CHIEF	JAMES WARRING	5/11/07
2	DEPARTMENT DIRECTOR	WILLIAM ANDERSON	4-24-07	9	COO	N/A	
3	ENVIRONMENTAL REVIEW	KENNETH TESSIER	4/25/07	10	CITY ATTORNEY	MICHAEL NEUMEYER	5/15/07
4	LIAISON OFFICE	ED PLANK	5/21/07	11	ORIGINATING DEPARTMENT	MELISA TINTOCALIS	5/21/07
5	FINANCIAL MANAGEMENT	DEAN ROBERTS	5/7/07	DOCKET COORD: <b>5/8</b> COUNCIL LIAISON: <b>Cg</b>			
6	AUDITORS	WICKI TRAM	5/17/07	COUNCIL PRESIDENT <input checked="" type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: <b>6/5/07</b>			
7	EOC	STACEY STEVENSON	5/9/07				
11. PREPARATION OF: <input type="checkbox"/> RESOLUTION(S) <input checked="" type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
Ordinance amending Chapter 2, Article 6, Division 18 of the San Diego Municipal Code, by amending sections 26.1801, 26.1802, and 26.1803 to increase the total membership on the Parking Advisory Board from 14 members to 17 members; to require that nine members of the Board shall constitute a quorum and that the concurring vote of at least nine members shall be required to take any action; and to make other needed changes in organization, grammar, and punctuation, to clarify the meaning of these Code sections.							
11A. STAFF RECOMMENDATIONS: <b>Adopt the ordinance</b>							
12. SPECIAL CONDITIONS:							
<b>COUNCIL DISTRICT(S):</b>		Citywide					
<b>COMMUNITY AREA(S):</b>		Citywide					
<b>ENVIRONMENTAL IMPACT:</b>		This activity is not a "project," as defined in CEQA Guidelines section 15378, and therefore, is not subject to CEQA, pursuant to CEQA Guidelines section 15060 (c) (3).					
<b>HOUSING IMPACT:</b>		None.					

000231

**EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE ISSUED:	REPORT NO:
ATTENTION:	City Council President and City Council
ORIGINATING DEPARTMENT:	City Planning and Community Investment
SUBJECT:	Ordinance Amending Chapter 2, Article 6, Division 18 of the San Diego Municipal Code Relating to the Parking Advisory Board
COUNCIL DISTRICT(S):	All
CONTACT/PHONE NUMBER:	Melisa Tintocalis (619) 533-5370

**REQUESTED ACTION:** Ordinance amending Chapter 2, Article 6, Division 18 of the San Diego Municipal Code, by amending sections 26.1801, 26.1802, and 26.1803 to increase the total membership on the Parking Advisory Board from 14 members to 17 members; to require that nine members of the Board shall constitute a quorum and that the concurring vote of at least nine members shall be required to take any action; and to make other needed changes in organization, grammar, and punctuation, to clarify the meaning of these Code sections.

**STAFF RECOMMENDATION:** Adopt the ordinance.

**SUMMARY:**

On November 29, 2004, the City Council adopted Ordinance No. O-19337, in which the City Council amended Chapter 2, Article 6 of the San Diego Municipal Code by adding Division 18, entitled "Parking Advisory Board," and Sections 26.1801, 26.1802, and 26.1803, all relating to the creation of a Parking Advisory Board.

The Parking Advisory Board serves in an advisory capacity to the Mayor and City Council on parking-related policy issues and implementation decisions. In addition, the Board's vision is to facilitate communication among the Community Parking District advisory boards, parking impacted areas, citizens, and city staff to enhance the effectiveness of parking options and solutions.

The duties of the Board include, but are not limited to: providing advice and recommendations directly to the Mayor and City Council on all policy issues relating to parking; advocating, formulating, and recommending pro-active parking policies, ordinances, and guidelines; networking with other boards, agencies, and community residents on parking-related issues; promoting a strong sense of community through parking solutions; and acting as a general information resource on parking issues within the City.

Pursuant to Section 26.1802, the Parking Advisory Board is to consist of fourteen members, including one member from each Community Parking District.

On June 27, 2005, the City Council adopted Resolution No. R-300587, in which the City Council confirmed, among other appointments, the appointment of one member from each of the three original Community Parking Districts - the Downtown, Uptown, and Mid-City Community Parking Districts.

That same day, the City Council adopted Resolution Nos. R-300584, R-300585, and R-300586, in which the City Council authorized the formation of three new Community Parking Districts - the Old Town, Pacific Beach, and La Jolla Community Parking Districts, respectively. However, the City Council did not adopt any ordinance that day that would increase the membership on the Board from 14 members to 17 members to reflect the three new Community Parking Districts. As a result, although representatives from the three new Community Parking Districts have been attending the monthly Parking Advisory Board meetings since that time, they have not been permitted to vote, nor has their presence qualified to constitute a quorum, due to the language in section 26.1802 limiting Board membership to 14 members.

Accordingly, the present ordinance is necessary to amend section 26.1802 to increase the membership on the Board from 14 members to 17 members. In addition, the present ordinance: reorganizes Section 26.1802 into five subsections, lettered (a) through (e); reorganizes into Section 26.1802(a) all provisions relating to how the

membership of the Board is to be constituted; reorganizes into section 26.1802(b) all provisions relating to the start and end dates of terms for initial appointments; reorganizes into Section 26.1802(c) all provisions relating to the duration of terms and the filling of vacancies; requires that nine members of the Board shall constitute a quorum and that the concurring vote of at least nine members shall be required to take any action; clarifies that the Board shall review and comment on all parking policies and programs, not compliance issues; and makes other needed changes in grammar and punctuation to clarify the meaning of sections 26.1801, 26.1802, and 26.1803.

**FISCAL CONSIDERATIONS:** This action has no impact on City revenues or expenditures. The Board members serve without compensation, and the increase of three additional members does not impact the City's resources dedicated to this Board.

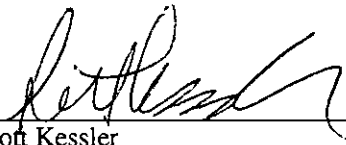
**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** O-19337, amending Chapter 2, Article 6 of the San Diego Municipal Code by adding Division 18, relating to the Parking Advisory Board (November 29, 2004).

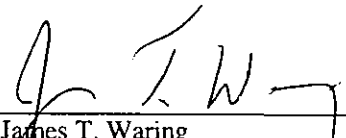
R-300587, confirming eleven mayoral appointments to the Board (June 27, 2005).

R-300584, R-300585, and R-300586, authorizing the formation of three new Community Parking Districts: the Old Town, Pacific Beach, and La Jolla Community Parking Districts, respectively (June 27, 2005).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** The Parking Advisory Board conducted an initial review of the draft ordinance at the Board's meeting on September 21, 2006. Copies of the draft ordinance were distributed to the Parking Advisory Board members and those in attendance for their review and comment. On April 19, 2007, the Board reviewed the final strike-out version of the ordinance and approved the final version by consensus.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** Direct beneficiaries of this action include the new Community Parking Districts (La Jolla, Old Town, and Pacific Beach Community Parking Districts) and the agencies that manage these districts (Promote La Jolla, Old Town Chamber of Commerce, and Discover Pacific Beach).

  
 Scott Kessler  
 Deputy Director, Economic Development Division

  
 James T. Waring  
 Deputy Chief, City Planning and Community Investment

000233.

(O-2007-30)

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 6, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 26.1801, 26.1802, AND 26.1803 ALL RELATING TO THE PARKING ADVISORY BOARD.

This ordinance amends Chapter 2, Article 6, Division 18 of the San Diego Municipal Code, by amending sections 26.1801, 26.1802, and 26.1803 to increase the total membership on the Parking Advisory Board from 14 members to 17 members; to require that nine members of the Board shall constitute a quorum and that the concurring vote of at least nine members shall be required to take any action; and to make other needed changes in organization, grammar, and punctuation, to clarify the meaning of these Code sections.

This ordinance contains a notice that a full reading of the ordinance is dispensed with prior to its passage, because a written copy of the ordinance will be available to the City Council and the public prior to the day of its passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, located at the City Administration Building, 202 C Street, 2nd Floor, San Diego, CA 92101.

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MDN:als

04/16/07

Or.Dept: Econ.Devel.Div.

O-2007-30

MMS#3251

000235 .

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 6, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 26.1801, 26.1802, AND 26.1803 ALL RELATING TO THE PARKING ADVISORY BOARD.

WHEREAS, on November 29, 2004, the City Council adopted Ordinance No. O-19337, in which the City Council amended Chapter 2, Article 6 of the San Diego Municipal Code by adding Division 18, entitled "Parking Advisory Board," and sections 26.1801, 26.1802, and 26.1803, all relating to the creation of the Parking Advisory Board; and

WHEREAS, pursuant to San Diego Municipal Code section 26.1802, the Parking Advisory Board is to consist of fourteen members, including one member from each Community Parking District; and

WHEREAS, pursuant to section 26.1802, the membership may be expanded to include members from additional, newly-created, parking districts, by an appropriate amendment to the Code; and

WHEREAS, on June 27, 2005, the City Council adopted Resolution Nos. R-300584, R-300585, and R-300586, in which the City Council authorized the formation of three new Community Parking Districts, namely, the Old Town, Pacific Beach, and La Jolla Community Parking Districts, respectively; and

WHEREAS, this ordinance is necessary to amend sections 26.1801, 26.1802, and 26.1803 to increase the total membership on the Parking Advisory Board from 14 members to 17

members, and to make other needed changes to the language of the ordinance; NOW,  
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, Division 18 of the San Diego Municipal Code is hereby amended, by amending sections 26.1801, 26.1802, and 26.1803 to read as follows:

## **DIVISION 18**

### **PARKING ADVISORY BOARD**

#### **§26.1801 Purpose and Intent**

It is the purpose and intent of the City Council to establish a Parking Advisory Board to serve in an advisory capacity to the Mayor, City Council, and City Manager on policy issues relating to parking. The Board's vision is to facilitate information exchange between the Community Parking District advisory boards, parking-impacted areas, citizens, and City staff, to enhance the effectiveness of parking options and solutions. Also, the Board shall convey community concerns, advise the City Manager regarding parking control implementation decisions, provide support and input to Community Parking District advisory boards, when requested, and address other parking-related policy matters.

#### **§ 26. 1802 Parking Advisory Board Established**

- (a) There is hereby established a Parking Advisory Board consisting of seventeen members, each of whom shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council. In making the appointments, the Mayor shall appoint eight

members, one each from a list of two nominations submitted by each Councilmember to represent his or her district. Additionally, the Mayor shall appoint one at-large member, one member from each of the six Community Parking Districts, one member from the Community Planning Committee, and one member from the Business Improvement District Council. Board members shall be residents of the City of San Diego, unless a conscious exception is made by the Mayor and City Council pursuant to Council Policy 000-13. Every effort should be made to ensure that the membership of the Board includes citizens with a strong interest in parking-related issues, and is representative of both residential and commercial concerns. Membership of the Board may be expanded to include members from newly-created Community Parking Districts by an appropriate amendment to this Division.

- (b) Initial appointments to the Board shall be for terms commencing on January 1, 2005, at a time when the membership of the Board was to consist of only fourteen members. For these appointments, seven members shall be appointed to an initial term that will expire December 31, 2005, and seven members shall be appointed to an initial term that will expire December 31, 2006.
- (c) Each member shall serve a term of up to two years and until a successor is duly appointed and confirmed. No member shall serve more than two consecutive two-year terms. Any member initially appointed to a term of less than two years shall be eligible to subsequently serve two consecutive



two-year terms. Any member appointed to fill a vacant position shall serve the remaining term of the vacant position, and be eligible to subsequently serve two consecutive two-year terms. Vacancy appointment recommendations shall come from the original recommending body. Members shall be appointed in such a manner so that the terms of not more than nine members shall expire in any given year. The expiration date of all terms shall be December 31.

- (d) During January of each year, the Mayor may designate one member as Chairperson of the Board. In the absence of such designation, the Board shall, on or after February 15 of that year, select a Chairperson from amongst its members.
- (e) The Board shall meet at least once every three months. Nine members of the Board shall constitute a quorum, and the concurring vote of at least nine members shall be required to take any action. The City Manager shall provide appropriate staff support to the Board from City departments directly involved in parking-related matters. The Board shall adopt rules consistent with all laws and regulations governing its business and procedures.

**§ 26.1803 Duties and Functions**

The Board shall:

- (a) Provide advice and recommendations directly to the Mayor, City Council, and City Manager on all policy issues relating to parking;

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- (b) Advise the City Manager regarding parking control implementation decisions;
- (c) Review and comment on all parking policies and programs;
- (d) Advocate, formulate, and recommend for adoption, pro-active parking policies, ordinances, and guidelines;
- (e) Network with other boards, agencies, and community residents on parking-related issues;
- (f) Promote a strong sense of community through parking solutions;
- (g) Convey community parking concerns to the Mayor, City Council, and City Manager; and
- (h) Act as a general information resource on parking issues within the City.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written copy of the ordinance having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
\_\_\_\_\_  
Michael D. Neumeyer  
Deputy City Attorney

MDN:nda  
05/15/07  
Or.Dept:Econ.Devel.Div.  
O-2007-30  
MMS#3251

000240

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego,  
at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**STRIKEOUT ORDINANCE****OLD LANGUAGE: ~~Struck Out~~****NEW LANGUAGE: Underlined**

(O-2007-30)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 6, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 26.1801, 26.1802, AND 26.1803 ALL RELATING TO THE PARKING ADVISORY BOARD.

**DIVISION 18: PARKING ADVISORY BOARD****§ 26.1801 Purpose and Intent**

It is the purpose and intent of the City Council to establish a Parking Advisory Board to serve in an advisory capacity to the Mayor, City Council, and City Manager on policy issues relating to parking. The Board's vision is to facilitate information exchange between the Community Parking District advisory boards, parking-impacted areas, citizens, and City Staff, to enhance the effectiveness of parking options and solutions. Also, the Board shall convey community concerns, advise the City Manager regarding parking control implementation decisions, provide support and input to Community Parking District advisory boards, when requested, and address other parking-related policy matters.

Reorganizes Section 26.1802 (below) into five subsections, lettered (a) through (e)
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§ 26. 1802      **Parking Advisory Board Established**

Increases total membership on the Board from 14 to 17 members

- (a)      There is hereby ~~created~~ established a Parking Advisory Board to ~~consist~~ consisting of fourteen ~~seventeen~~ members, ~~who each of~~ whom shall serve without compensation. ~~The membership may be expanded to include members from additional, newly created, Community Parking Districts by an appropriate amendment to this Code. The members shall be appointed by the Mayor and confirmed by the City Council. Members of the Parking Advisory Board should include citizens with a strong interest in parking-related issues. Every effort should be made to ensure the membership of the Board is representative of both residential and business concerns. Board members will be residents of the City of San Diego unless a conscious exception is determined per Council Policy 000-13.~~ (paragraph break) In making the initial appointments, the Mayor shall appoint ~~one at-large member and eight members, one each from a list of two nominations submitted by each Councilmember to represent their~~ his or her district. Additionally, the Mayor shall appoint one at-large member, one member from each of the six Community Parking Districts, one member from the Community Planning Committee, and one member from the Business Improvement District Council. Board members shall be residents of the City of San Diego, unless a conscious exception is made by the Mayor and City Council

Reorganizes into section 26.1802(a) all provisions relating to how the membership of the Board is to be constituted

pursuant to Council Policy 000-13. Every effort should be made to ensure that the membership of the Board includes citizens with a strong interest in parking-related issues, and is representative of both residential and commercial concerns. Membership of the Board may be expanded to include members from newly-created community parking districts by an appropriate amendment to this Division.

Reorganizes into section 26.1802(b) all provisions relating to the start and end dates of terms for initial appointments

- (b) Initial appointments to the Board shall be for terms commencing on January 1, 2005, at a time when the membership of the Board was to consist of only fourteen members. For these appointments, seven members shall be appointed to an initial term that will expire December 31, 2005, and seven members shall be appointed to an initial term that will expire December 31, 2006.

Clarifies existing language

- (c) ~~The members shall serve two year terms and no more than two full consecutive terms. Each member shall serve until a successor is duly appointed and confirmed.~~ Each member shall serve a term of up to two years and until a successor is duly appointed and confirmed. No member shall serve more than two consecutive two-year terms. Initial members shall be appointed such that the terms of not more than seven members shall expire in any year so as to allow the board to be staggered. For the initial appointments, seven members shall be appointed to an initial term that will expire December 31, 2005, and seven members shall be appointed to an

~~initial term that will expire December 31, 2006. Each member shall serve until his or her successor is duly appointed and qualified.~~

(paragraph break) ~~Initial appointments which are less than the full term of two years will be allowed to serve two full terms. Any member initially appointed to a term of less than two years shall be eligible to subsequently serve two consecutive two-year terms.~~

~~Initial appointments shall be for terms commencing on January 1, 2005. The expiration date of all terms shall be December 31. Any vacancy shall be filled for the remainder of the unexpired term.~~

~~Vacancy appointment recommendations will come from the original recommending body. Any vacancy replacements will be eligible to serve the remaining term of the vacant position and two full terms. Any member appointed to fill a vacant position shall serve the remaining term of the vacant position, and be eligible to subsequently serve two consecutive two-year terms. Vacancy appointment recommendations shall come from the original recommending body. Members shall be appointed in such a manner so that the terms of not more than nine members shall expire in any given year. The expiration date of all terms shall be December 31.~~

- (d) During January of each year, the Mayor may designate one member as Chairperson; of the Board. ~~however, i~~n the absence of

such designation, the Board shall, on or after February 15 of that  
year, select a Chairperson from among its members.

- (e) ~~The Board shall adopt rules consistent with the law for the~~  
~~governing of its business and procedures.~~ The Board shall meet  
~~quarterly at a minimum~~ at least once every three months. Nine  
members of the Board shall constitute a quorum, and the  
concurring vote of at least nine members shall be required to take  
any action. The City Manager shall provide appropriate staff  
support to the Board from City departments directly involved in  
parking-related matters. The Board shall adopt rules consistent  
with all laws and regulations governing its business and  
procedures.

Specifies  
requirements for  
a quorum and for  
when Board may  
take action

## § 26.1803 Duties and Functions

The Board shall:

- (a) Provide advice and recommendations directly to the Mayor, City  
Council, and City Manager on all policy issues relating to parking;
- (b) Advise the City Manager regarding parking control  
implementation decisions;
- (c) Review and comment on ~~the compliance with~~ all parking policies  
and programs;
- (d) Advocate, formulate, and recommend for adoption, pro-active  
parking policies, ordinances, and guidelines;

Clarifies that  
Board shall  
review and  
comment on all  
parking policies  
and programs,  
not compliance  
issues



- (e) Network with other boards, agencies, and community residents on parking-related issues;
- (f) Promote a strong sense of community through parking solutions;
- (g) Convey community parking concerns to the Mayor, City Council, and City Manager; and
- (h) Act as a general information resource on parking issues within the City.

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